

JUL 28 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PETER JOHN JEFFERSON,

Defendant - Appellant.

No. 05-30320

D.C. No. CR-02-00108-RFC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, District Judge, Presiding

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Peter John Jefferson appeals from the 24-month sentence imposed after the revocation of his term of supervised release. This court has jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Jefferson argues the district court failed to consider the factors enumerated in 18 U.S.C. § 3553(a), as incorporated by 18 U.S.C. § 3583. However, the district court found Jefferson failed more than once to meet the conditions of his supervised release and was a danger to his community. This explanation shows that the district court took the § 3553(a) factors adequately into account in fashioning a sentence. *See United States v. Musa*, 220 F.3d 1096, 1101 (9th Cir. 2000) (holding district court's finding that defendant was a danger to the community was sufficient explanation for application of statutory maximum term of incarceration after revocation of supervised release). Having considered various factors before imposing a sentence at the statutory maximum, the district court fashioned a reasonable sentence. *See id.*

AFFIRMED.